

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

JUN - 7 2016

Clerk, U.S. District Court  
District Of Montana  
Billings

DAVID JAMES MATTHEW,

Plaintiff,

vs.

YELLOWSTONE COUNTY, et al,

Defendants.

CV 16-02-BLG-SPW

ORDER

Before the Court is the Order and Findings and Recommendations of United States Magistrate Judge Carolyn Ostby. In the Order, Judge Ostby afforded Plaintiff David Matthew an opportunity to file an amended complaint. Judge Ostby also denied Matthew's request for counsel without prejudice. This Court does not review those rulings. Judge Ostby does recommend that this Court deny Matthew's Motion for Emergency Review, Order of Injunction, and Order of Protection. Since Matthew is no longer incarcerated at the Yellowstone County Detention Facility, Judge Ostby concluded that the motion is moot.

Pursuant to 28 U.S.C. § 636(b)(1), Matthew was required to file written objections within 14 days of the filing of Judge Ostby's Findings and Recommendations. No objections were filed. When a party does not object, this Court reviews Judge Ostby's conclusions for clear error. Clear error exists if the

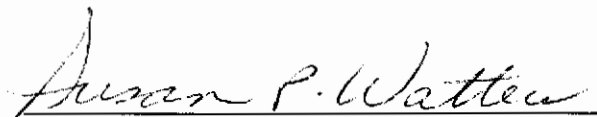
Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Ostby committed clear error.

Accordingly, IT IS HEREBY ORDERED:

1. Judge Ostby’s Findings and Recommendations (Doc. 10) are ADOPTED IN FULL.

2. Matthew’s Motion for Emergency Review, Order of Injunction, and Order of Protection (Doc. 2) is DENIED as moot.

DATED this 6<sup>th</sup> day of June, 2016.

  
SUSAN P. WATTERS  
United States District Judge